

REMARKS

Applicant thanks Examiner Henderson for his consideration of the application. In response to the Office Action mailed September 28, 2001, the application has been carefully reviewed, and enter of the present amendment is requested.

Election/Restriction

In response to the provisional election of Group I in a telephone conference with the Examiner on September 21, 2001, Applicant hereby affirms the election of Claims 1-25 and 32-35, as well as newly added Claim 36 for prosecution.

Claims 1-18, 22-25 and 32-34

Claims 1-18, 22-25 and 32-34, as best understood, stand rejected under 35 U.S.C. §103(a) as being unpatentable over Friedman (U.S. Patent No. 5,042,841) in view of Dick (U.S. Patent no. 1,495,953) [Paper 11, Page 6]

Examiner Henderson asserts Friedman discloses a pocket insert 10 to hold multipage materials comprising a base sheet (14) of paper material having a binding edge (24), a planar first surface (14A), a planar second surface (14B); a pocket sheet (12) having a planar inner surface (12A), a planar outer surface (12B), a width smaller than the width of the base sheet, a perimeter defined by an attached edge section (16, 18, 20) and a free edge section (22) wherein at least a portion of the attached edge section is adhered to the base sheet (14) and the free edge section being (22) attached to the base to form a pocket (b). [Paper 11, Page 6]

Disclosure of Dick

The examiner relies upon Dick to disclose a pocket insert having a perimeter defined by an attached edge section (5) on an inner surface (4A), wherein the attached edge section is *adhered* to the first surface (1A) of the base sheet. [emphasis added, Paper 11. Page 7]

* [Dick only discloses that the sheets are "stitched" (Col. 1, line 54; Col. 2, lines 59, 89) In fact, Dick actually claims the sheets are stitched together. There is no disclosure in Dick that the sheets are adhered together. Therefore, applicant respectfully submits Dick does not disclose the *adhered* edge sections.

Asserted Combination

The Examiner asserts it would have thus been obvious to modify the pocket insert of Friedman to include a pocket sheet having an attached edge section to the first surface of the base sheet as taught by Dick for the purposes of providing a reinforced edge. [Paper 11, page 7]

In addition to the limited disclosure of Dick to stitching, Applicant respectfully submits, such modification of the primary reference Friedman would be contrary to the express purpose of Friedman.

That is, Friedman is directed to addressing the prior inconvenience and difficulty in holding loose papers, pages, booklets or multipage materials free of the ring or spiral. (Col. 1, Lines 13-14) Thus, Friedman employs side walls formed by appropriate fold lines and creases shown as dashed lines in Figure 3 (Col. 3, Lines 50-53).

Further, Friedman specifically recites creating wall 18 and side walls 16 and 20 by folding along crease lines F₁, F₂ and F₃ respectively. (Col. 3, Lines 56-62).

In fact, Friedman requires gussets (side walls) for accommodating variable thickness materials. "One of the panels is provided with integral gussets along the lateral edges while the second panel provided with slits for the reception of the gussets when the panels are disposed opposite each other in a folded relationship. *The gussets provide depth to the compartment equal to the size of the gussets.*" [emphasis added] (Col. 2, lines 9-16)

U.S. Patent

Aug. 27, 1991

Sheet 2 of 2

5,042,841

In construction of the Friedman storage compartment, Friedman further states "Appropriate fold lines for the erection of the side walls are established also at the same time by creases shown by the dash lines.... In erecting the cover 10, the cut blank is first folded along crease lines F_1 setting up wall 18 and overlying the panel 12 above panel 14. Thereafter, the lateral extensions and gussets 48 are folded about creases F_2 and F_3 setting up the side walls 16 and 20 ..." [emphasis added] (Col. 3, lines 51-61)

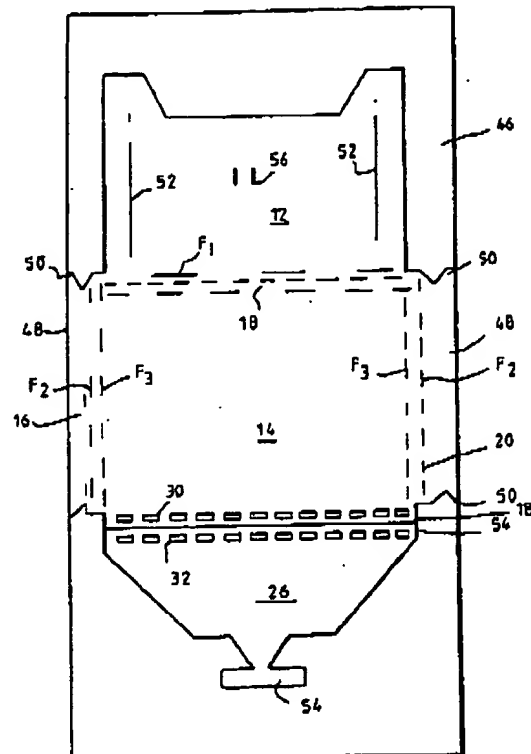


Fig 3

Therefore, Friedman requires the resulting structure have a depth (thickness) for retain thick multipage inserts, wherein this depth is achieved by use of the side walls. Were the Friedman sheets attached as per Dick, there would be no side walls and the ability of Friedman to accommodate the multipage inserts would be removed. Thus, this combination of references is not sustainable.

As the Examiner states, Friedman is directed to providing a pocket insert for multipage materials. Such materials when disposed in the Friedman pocket are allowed to accumulate

throughout the height of the side walls. That is, the existence of the side walls allows Friedman to accommodate multiple layers of materials, or even writing instruments. (Col. 4, line 19)

In contrast, insertion of multipages into the pocket of Dick (or Friedman modified to have the structure of Dick) would cause a substantial accumulation of stress along the stitched seams as the Dick pocket does not include any side wall portion (pocket height). This increased stress would inherently lead to a deterioration and weakening of the seam.

Therefore, applicant respectfully submits the asserted rejection is not supported by the references.

The Examiner asserts Dick discloses "a pocket insert ...having a perimeter defined by an attached edge section (5) on an inner surface (4A), wherein the attached edge section is *adhered* to the first surface (1A) of the base sheet (1)." [emphasis added] [Paper 11, page 7]

As Dick only discloses that the sheets are "stitched" (Col. 1, line 54; Col. 2, lines 59, 89 and claims), applicant respectfully submits Dick does not disclose the *adhered* edge sections.

Applicant submits (i) the proposed combination is contrary to the primary reference Friedman; and (ii) there is no suggestion in either of the references that the stitched edge of Dick provides a reinforced edge as compared to the side walls of Friedman.

As Claims 4 and 16 - 18 depend from Claim 1 and include all limitations thereof, these claims are also in condition for allowance.

Claim 22

Claim 22 recites in part "a pocket insert wherein a first edge of the inner surface (of the pocket sheet is) attached to the first surface of the base sheet."

That is, in contrast to the three layer construction of Friedman, the structure of Claim 22, requires the surfaces forming the pocket to be adhered to each other, thereby having only the thickness of the base sheet and the pocket sheet.

Again, this structure in combination with the remaining limitations of Claim 22 are neither disclosed nor suggested by the cited references, as set forth above, Claim 22 is in condition for allowance.

Claim 32

Claim 32 recites in part a pocket sheet having a planar inner surface . . . an attached edge section on the inner surface . . . the attached edge section being attached to the first surface of the base sheet."

As such structure is neither disclosed nor suggested by the cited references, as discussed above, Claim 32 is in condition for allowance.

Claim 34

Claim 34 recites in part "a portion of the inner surface of the pocket sheet connected to the first surface of the base sheet to form a pocket having a pocket opening between the first surface of the base sheet and the inner surface of the pocket sheet, the pocket opening facing the binding edge."

Again, this structure is contrary to the teachings of the primary reference and is not cured by the secondary reference Dick as discussed above.

Rejections Under 35 U.S.C. §102


Claim 35

Claim 35 stands rejected under 35 U.S.C. §102 as being anticipated by Michlin (U.S. Patent 5,141,252 (the '252 patent)).

Examiner Henderson relies upon the '252 patent to disclose "a binding edge (between 19 and 15)" [Paper 11, page 5]

Therefore, Applicant believes all the pending claims, Claims 1-25 and 32-36 are in condition for allowance, and such action is earnestly solicited. If, however, Examiner Henderson feels that any further issues remain, he is cordially invited to call the undersigned so that such matters can be promptly resolved.

Respectfully submitted,


Brian B. Shaw, Registration No. 33,782
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, New York 14604

Dated: December 28, 2001

Version With Markings Showing Changes Made**In the Drawings**

A replacement sheet 3 of the drawings, with an amended Figure 5 is attached, wherein reference number 37 has been replaced with reference number 39.

In the Specification

On page 6, please replace the paragraph spanning lines 3 through 11, with:

Figures 4 and 5 illustrate additional embodiments of the invention. Figure 4 illustrates that it is not necessary for base sheet 12 to be rectangular, as base sheet 10 further includes edges 15 and 15'. Figure 5 illustrates that it is unnecessary for the pocket sheet 22 and the base sheet 10 to be rectangular. In this embodiment, base sheet 10 further includes edge section 17 and 18, and pocket sheet 20 further includes corresponding edges 27 and 37. These edges form part of the attached edge section of the pocket sheet attached to the base sheet through adhesive strip 38 and 39 ~~37 and 38~~.

In the Claims

1. (Thrice Amended) A book comprising multiple pages and a pocket insert bound along a binding, wherein the pocket insert comprises:

(a) a base sheet of paper material comprising a binding edge bound to the binding, the base sheet having a planar first surface and a planar second surface; and

(b) a pocket sheet of paper material, the pocket sheet having a planar inner surface, a planar outer surface, and a perimeter defined by an attached edge section on the inner surface and a free edge section on the inner surface, at least a portion of the attached edge section being adhered to the first surface of the base sheet along a plurality of seams and the free edge section being unattached to the base sheet to form a pocket opening along the free edge section between the first surface and the inner surface of the pocket sheet,

wherein the base sheet and the pocket sheet[s] are arranged such that the pocket opening faces the binding.

2. The book of claim 1, wherein the pocket opening extends substantially parallel to the binding edge of the base sheet.

3. The book of claim 1, wherein the pocket sheet has a width smaller than a width of the base sheet but at least half the width of the base sheet.

4. The book of claim 3, wherein the pocket sheet has a width at least 60 percent of the width of the base sheet.

5. The book of claim 1, wherein the base sheet and the pocket sheet are formed of separate sheets of paper material that are adhered to one another along the attached edge section of the pocket sheet.

6. The book of claim 1, wherein the base sheet comprises:
a first edge,
a second edge opposed to the first edge and defining the binding edge, the first and second edges defining a width of the base sheet, and
third and fourth edges opposed to one another and disposed between the first and second edges, the third and fourth edges defining a length of the base sheet.

7. The book of claim 6, wherein the pocket sheet comprises:
a first edge attached to the base sheet,
a second edge opposed to the first edge, the first and second edges defining a width of the pocket sheet, at least a portion of the second edge being unattached to the base sheet for forming the pocket opening, and

third and fourth edges opposed to one another and disposed between the first and second edges, the third and fourth edges defining a length of the pocket sheet and being attached to the base sheet; wherein the pocket sheet has a shorter width than the base sheet.

8. The book of claim 7, wherein the base sheet and the pocket sheet are adhered to one another along their respective first edges, third edges and fourth edges.

9. The book of claim 7, wherein the first edges of the base sheet and the pocket sheet are parallel to the second edges of the respective sheets, and the third edges of the base sheet and the pocket sheet are parallel to the fourth edges of the respective sheets.

10. The book of claim 9, wherein the base sheet and the pocket sheet are further adhered to one another along a strip parallel to the third and fourth edges of the sheets, so as to separate two pockets formed between the sheets.

11. The book of claim 7, wherein the base sheet and the pocket sheet are formed of a single section of paper material.

12. The book of claim 11, wherein the single section is folded along a fold line defining the first edges of the base sheet and the pocket sheet.

13. (Once Amended) The [pocket] book of claim 7, wherein the pocket sheet first edge is attached to the base sheet with an adhesive proximate to the base sheet first edge, the pocket sheet third edge is attached to the base sheet with an adhesive proximate to the base sheet third edge, and the pocket sheet fourth edge is attached to the base sheet with an adhesive proximate to the base sheet fourth edge.

14. The book of claim 13, wherein the pocket sheet is attached to the base sheet with an adhesive along a strip extending widthwise between the third and fourth edges of the sheets.

15. The book of claim 14, wherein the widthwise strip separates two pockets formed by the base sheet and the pocket sheet, both pockets opening towards the base sheet first edge.

16. The book of claim 1, wherein the base sheet is formed of a rectangular sheet of paper having a length of about 11 inches and a width of 8 to 8.5 inches.

17. The book of claim 16, wherein the pocket sheet is formed of a rectangular sheet of paper having a length of about 11 inches and a width of 5 to 6 inches.

18. The book of claim 17, wherein the multiple pages are rectangular sheets having a length of about 11 inches and a width of about 8.5 inches.

19. The book of claim 1, further comprising a front cover and a back cover bound along the binding, the pages and pocket insert being disposed between the front and back covers.

20. The book of claim 19, further comprising supplemental media retained in the pocket.

21. The book of claim 15, further comprising supplemental media retained in both pockets.

22. A pocket insert defined by a base sheet of paper material and a pocket sheet of paper material, the base sheet comprising:

a first edge, a second edge opposed to the first edge for binding to a binder, the first and second edges defining a width of the base sheet, and third and fourth edges opposed to one another and disposed between the first and second edges, the third and fourth edges defining a length of the base sheet, the base sheet having a planar first surface and a planar second surface;

the pocket sheet having a planar inner surface and a planar outer surface, the pocket sheet comprising:

a first edge of the inner surface attached to the first surface of the base sheet, a second edge of the inner surface opposed to the first edge, the first and second edges defining a width of the pocket sheet, at least a portion of the second edge being unattached to the first surface of the base sheet for forming a pocket opening partially defined by the first surface, and third and fourth edges opposed to one another and disposed between the first and second edges, the third and fourth edges defining a length of the pocket sheet and being attached to the first surface of the base sheet; wherein the second sheet has a shorter width than the first sheet and a width at least half the width of the base sheet.

23. The pocket insert of Claim 22, wherein the base sheet and the pocket sheet are formed of separate sheets of paper material that are adhered to one another along their respective first edges, third edges and fourth edges.

24. The pocket insert of Claim 23, wherein the base sheet and the pocket sheet are further adhered to one another along a strip parallel to the third and fourth edges of the sheets, so as to separate two pockets formed between the sheets.

25. The pocket insert of Claim 22, wherein the base sheet is formed of a rectangular sheet of paper having a length of about 11 inches and a width of about 8 to 8.5 inches, and the pocket sheet is formed of a rectangular sheet of paper having a length of about 11 inches and a width of about 5 to 6 inches.

32. A pocket insert configured to be bound along a binding, the pocket insert comprising:

(a) a base sheet having a planar first surface, a planar second surface and a binding edge selected to be bound to the binding; and

(b) a pocket sheet having a planar inner surface, a planar outer surface, a perimeter defined by an attached edge section on the inner surface and a free edge section on the inner surface, the attached edge section being attached to the first surface of the base sheet and the free edge section being unattached to the base sheet to form a pocket with a pocket opening along the free edge section and the first surface of the base sheet,

wherein the base sheet and the pocket sheet are arranged such that the pocket opening faces the binding and the pocket insert has a total thickness less than a combined thickness of the base sheet, the pocket sheet and one of the base sheet and the pocket sheet.

33. The pocket insert of Claim 32, wherein a maximum number of pocket sheet thicknesses and the maximum number of base sheet thicknesses at any location of the pocket insert is one.

34. A pocket insert for binding along a bound edge, comprising:

(a) a base sheet having a planar first surface and a planar second surface, and a binding edge selected to be bound at the bound edge;

(b) a pocket sheet having a planar inner surface and a planar outer surface, a portion of the inner surface of the pocket sheet connected to the first surface of the base sheet to form a